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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,535	08/05/2003	Henry Frank Gasbarro	NG(MS)-6619	6064
26294 7590 03/19/2009 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114				
EXAMINER				
BROADHEAD, BRIAN J				
ART UNIT		PAPER NUMBER		
3664				
MAIL DATE		DELIVERY MODE		
03/19/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/634,535

**Applicant(s)**

GASBARRO, HENRY FRANK

**Examiner**

BRIAN J. BROADHEAD

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 7-17-08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) 8-14 and 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The declaration filed on 4-12-2007 under 37 CFR 1.131 is sufficient to overcome the Smith reference.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich et al., 6148261, in view of Lionetta et al., 2004/0165369.
3. Obradovich et al. disclose a GPS module that produces locations information associates with the position of the module and handheld computing device in line 12, col.2; an L-band transceiver that broadcasts the location information to a satellite relay and receives location information from the at least one portable communications device via the satellite relay on line 16, on col. 7, and on lines 48, on col. 11 through line 14, on col. 12, the disclosure of satellite communications would include L-band frequencies; a processing unit that provides messages to the L-band transceiver and updates a display associated with the tablet computer assembly according to the received location information and the location information produced at the GPS module in figure 4, on lines 13-23, on col. 7 and item 21, and an internal power supply is inherent. Obradovich et al. do not disclose an electrically conductive enclosure around the L-band transceiver

(Faraday cage) to reduce EM interference and the Faraday cage being configured as a heat sink to draw away heat away and the module is easy to remove from the handheld computing device. Lionetta et al. teach Faraday cage around electronics to reduce EM interference and the Faraday cage being configured as a heat sink to draw away heat away in figure 5 and paragraphs 7, 8, 10, 23, and 24. . It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the shielding of Lionetta et al. in the invention of Obradovich et al. because such modification would the electromagnetic interference that can occur with a large number of electronic circuits are placed in close proximity to each other. Shielding and heat issues are well known to anyone of ordinary skill in the art and the configuration claimed in the current invention is safely within the ordinary creativity of one of ordinary skill in the art. Obradovich and Lionetta et al. do not disclose that the module is easy to remove from the handheld computing device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to separate the module from the handheld or Obradovich, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art (Nerwin v. Erlichman, 168 USPQ 177, 179).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich et al., 6148261, in view of Lionetta et al., 2004/0165369 as applied to claim 1 above, and further in view of Gilbert et al., US2003/0032426.

5. Obradovich et al. and Lionetta et al. disclose the limitations as set forth above. They do not disclose a single antenna to facilitate the transmission and reception of the messages by the L-band transmitter and the GPS module. Gilbert et al. teaches using

one antenna for both the GPS and L-band transceiver in paragraph 53. It would have been obvious to one of ordinary skill in the art to use one antenna instead of two because it would reduce costs. The trade off would just be that data transmissions would be restricted some.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich et al., 6148261, in view of Lionetta et al., 2004/0165369, and further in view of Gilbert et al., US2003/0032426 as applied to claim 2 above, and further in view of Saunders et al., US2005/0162334.

7. Obradovich et al., Lionetta et al., and Gilbert disclose the limitations as set forth above. They do not disclose using a quadrifilar helix antenna (QHA). Saunders et al. teach using a QHA in paragraph 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a QHA because they can be small and compact, and are relatively insensitive to the effects of handling as disclosed in paragraph 2 of Saunders.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich et al., 6148261, in view of Lionetta et al., 2004/0165369, as applied to claim 1 above, and further in view of Bielby, "Xilinx".

9. Obradovich et al. and Lionetta et al. disclose the limitations as set forth above. They do not disclose an I/O board that translates communication between the L-band transceiver and the handheld computing device and the internal power supply (which is inherent in Obradovich) being connected to the communications module. Bielby teaches the I/O board used is the ISA or PCI bus of the computer. An ISA and PCI bus

include power. It would have been obvious to one of ordinary skill in the art to use the ISA or PCI bus along with their associated control boards because such modification would be cheaper and eliminate the need to an case and external power supply as discloses by Bielby on page 5.

10. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich et al., 6148261, in view of Lionetta et al., 2004/0165369, as applied to claim 1 above, and further in view of Lada et al., 2005/0114553.

11. Obradovich et al. and Lionetta et al. disclose the limitations as set forth above. They do not disclose a battery that is attachable to the internal power source or battery of the handheld computing device. Lada et al. teaches a battery that is attachable to the internal power source or battery of the handheld in paragraphs 40-41. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the battery of Lada et al. in the invention of Obradovich et al. and Lionetta et al. because such modification would extend the life of the first battery as stated in Lada et al.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 through 6 have been considered but are moot in view of the new ground(s) of rejection. Lionetta et al. more completely describe the current state of the art in shielding techniques. They provide for shielding several chips at once unlike the ball grid shielding that is for each individual chip. The arguments related to making separate from what was integral are not convincing. The benefits of this that applicant provides are known benefits in the art of modularity and

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are not an unexpected result. The arguments with respect to Gilbert are not convincing. The fact that Gilbert discloses a vehicle based system is not overly relevant. The system is still a GPS system with other types of communication. Applicant's own disclosure mentions that their system can be vehicle mounted. The arguments regarding the shared antenna are similarly not convincing. While Gilbert may not use the antenna in the exact manner as current invention they do provide a teaching of sharing antenna among systems. The actual form of this sharing only requires routine skill in the art to perform.

### ***Conclusion***

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian J. Broadhead/  
Examiner, Art Unit 3664